

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724
HON. CYNTHIA M. RUFÉ**

THIS DOCUMENT RELATES TO:

ORAL ARGUMENT REQUESTED

*The State of Connecticut, et al. v. Actavis
Holdco U.S., Inc., et al.*

17-CV-03768

*The Kroger Co., et al. v. Actavis Holdco U.S.,
Inc., et al.*

18-CV-00284

*1199SEIU National Benefit Fund, et al. v.
Actavis Holdco U.S., Inc., et al.*

18-CV-02401

*West Val Pharmacy, et al. v. Actavis Holdco
U.S., Inc., et al.*

18-CV-02533

Humana Inc. v. Actavis Elizabeth, LLC, et al.

18-CV-03299

*Marion Diagnostic Center, LLC, et al. v.
McKesson Corporation, et al.*

18-CV-04137

**DEFENDANT MAYNE PHARMA INC.’S MOTION UNDER FRCP 12(b)(6)
TO DISMISS VARIOUS PLAINTIFFS’ SO-CALLED
“OVERARCHING CONSPIRACY” COMPLAINTS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum of Law and in Defendants’ Joint Motion to Dismiss, Defendant Mayne Pharma Inc. (“Mayne”) respectfully moves this Court to dismiss with prejudice all claims against Mayne in the following so-called “overarching conspiracy” complaints: *The State of Connecticut, et al. v. Actavis Holdco U.S., Inc., et al.* (17-CV-03768, ECF 15); *The Kroger Co., et al. v. Actavis Holdco U.S., Inc., et al.* (18-CV-00284, ECF 37); *1199SEIU National Benefit Fund, et al. v. Actavis Holdco U.S., Inc., et al.* (18-CV-02401, ECF 2); *West Val Pharmacy, et al.*

v. Actavis Holdco U.S., Inc., et al. (18-CV-02533, ECF 4); *Humana Inc. v. Actavis Elizabeth, LLC, et al.* (18-CV-03299, ECF 30); *Marion Diagnostic Center, LLC, et al. v. McKesson Corporation, et al.* (18-CV-04137, ECF 23).

Respectfully Submitted,

Dated: February 21, 2019

/s/ Michael E. Martinez

Michael Martinez
Steven Kowal
Lauren Norris Donahue
Brian J. Smith
K&L GATES LLP
70 W. Madison St., Suite 3300
Chicago, IL 60602
Tel. 312-372-1121
Fax 312-827-8000
michael.martinez@klgates.com
steven.kowal@klgates.com
lauren.donahue@klgates.com
brian.j.smith@klgates.com

Counsel for Defendant Mayne Pharma Inc.